

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re:

Robert C. McCall
937 N. Lawrence Street
Philadelphia, PA 19123

Case No. 20-10214-jkf
Chapter 13

Debtor,

Pauline Houston McCall
a/k/a Pauline Houston
937 N. Lawrence Street
Philadelphia, PA 19123

Joint Debtor.

**SECURED CREDITOR TRINITY FINANCIAL SERVICES, LLC'S MOTION
TO DEEM LATE FILED PROOF OF CLAIM AS TIMELY FILED**

COMES NOW, SECURED CREDITOR, Trinity Financial Services, LLC (herein after referred to as "Secured Creditor"), by and through its undersigned counsel, and hereby files this Motion to Deem Late Filed Proof of Claim as Timely Filed pursuant to Fed. R. Bank. Pro. 3002(c), and as grounds thereof state the following:

1. On or about January 13, 2020, the Debtors filed a voluntary petition under Chapter 13 for Bankruptcy relief.
2. Secured Creditor, due to some secretarial office error, was under the assumption that it had already filed its Proof of Claim when it had not.
3. The Debtors filed Proof of Claim No. 7-1 on behalf of Secured Creditor right before the deadline had passed.
4. Secured Creditor's Proof of Claim was due on March 23, 2020.
5. Secured Creditor unfortunately missed this bar date, but as a substantial lienholder, Secured Creditor must be accounted for within the plan.
6. Secured Debtor has now retained the undersigned law firm to represent their interests in this matter.

7. Secured Creditor's proposed proof of claim was filed on March 31, 2020 as potential Claim No. 8 in the amount of \$36,992.78.
8. Conversely, as the Debtors have already filed Proof of Claim No. 7-1 on behalf of Secured Creditor, the subject Proof of Claim could be potential Proof of Claim No. 7-2, as it supplements the one already filed.
9. Secured Creditor does not bring forth this claim in bad faith and neither the Petitioner nor creditors will be prejudiced by the granting of this motion.
10. The Debtors' Plan has not been confirmed, thus inclusion of Secured Creditor will not prejudice the Debtor. However, disallowing Secured Creditor to file its Proof of Claim would greatly prejudice Secured Creditor.
11. Bankruptcy Rule 9006(b)(1) gives the court the discretion to enlarge the time to file claims where the failure to act was the result of excusable neglect.
12. In the interest of judicial administration Secured Creditor respectfully request that this honorable court deem the Secured Creditor's Proof of Claim as timely filed or in the alternative allow the Trustee to file Secured Creditor's Proof of Claim in accordance with the Bankruptcy code.

WHEREFORE, PREMISES CONSIDERED, Secured Creditor prays that the late filed Proof of Claim be allowed and deemed timely filed and for any other relief this Honorable Court deems Creditor is entitled.

I HEREBY CERTIFY that I am admitted to the Bar of the United States Bankruptcy Court for the Eastern District of Pennsylvania, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

DWALDMANLAW, P.C.
4900 Carlisle Pike, #182
Mechanicsburg, PA 17050
Telephone: (844) 899-4162
Facsimile: (844) 882-4703
Primary email: bankruptcy@dwaldmanlaw.com
Email 1: jennie@dwaldmanlaw.com
Email 2: lynne@dwaldmanlaw.com
Attorneys for Secured Creditor

By: /s/ Jennie C. Shnyder
Jennie C. Shnyder, Esq.
PA Bar ID# 315213

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 31st Day of March 2020, I served a copy of the foregoing Notice of Appearance and Request for Service by regular U.S. Mail or the Court's CM/ECF system to the following parties listed on the below service list:

SERVICE LIST:

Debtor

Robert C. McCall
937 N. Lawrence Street
Philadelphia, PA 19123

Joint Debtor

Pauline Houston McCall
a/k/a Pauline Houston
937 N. Lawrence Street
Philadelphia, PA 19123

Michael A. Cibik2
Cibik & Cataldo, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102
Debtor(s) Attorney

Trustee

Scott F. Waterman (Chapter 13)
Chapter 13 Trustee
2901 St. Lawrence Ave.
Suite 100
Reading, PA 19606

U.S. Trustee

United States Trustee
Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106

Dated: March 31, 2020

Signature: /s/ Jennie C. Shnyder
Jennie C. Shnyder, Esq., ID #315213
DWALDMANLAW, P.C.
4900 Carlisle Pike, #182
Mechanicsburg, PA 17050
Telephone: (844) 899-4162
Facsimile: (844) 882-4703
Email: jennie@dwaldmanlaw.com
Email 2: bankruptcy@dwaldmanlaw.com
Email 3: lynne@dwaldmanlaw.com
Attorney for Secured Creditor